

RESOLUTION NO. 2021-xx

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF COSTA MESA, CALIFORNIA, ESTABLISHING AND
ADOPTING FEES TO PROCESS APPLICATIONS FOR
CANNABIS BUSINESSES ALLOWED PURSUANT TO
MEASURE X AND MEASURE Q**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY FINDS AND
DECLARES AS FOLLOWS:

WHEREAS, pursuant to the provisions of the California Constitution and the laws of the State of California, the City of Costa Mesa is authorized to adopt and implement rates, fees, and charges for municipal services; provided, however, that such rates, fees, and/or charges do not exceed the estimated reasonable cost of providing such services; and

WHEREAS, the City Council of the City of Costa Mesa had heretofore established various schedules of rates, fees, and charges for services provided by the City for processing conditional use permits and business permits, including but not limited to those conditional use permits and business permits related to marijuana/cannabis businesses authorized by Measure X (2016) as amended; and

WHEREAS, the City Council of the City of Costa Mesa now desires to establish the various schedules of rates, fees, and charges for services provided by the City for processing conditional use permits and business permits related to all cannabis businesses authorized by Measure X (2016) and Measure Q (2020) and set forth in Ordinance Nos. 2021-08 and 2021-09 (amending Titles 13 and 9, respectively) of the Costa Mesa Municipal Code) as introduced concurrently herewith; and

WHEREAS, California Government Code Section 66016 requires notice to be given and data made available at specified times prior to the adoption of increases in existing rates, fees, and charges, or the adoption of new rates, fees, and charges for use permits and building inspections sometime hereinafter at a public meeting of the City Council; and

WHEREAS, California Government Code Section 66018 requires notice to be published in accordance with California Government Code Section 6062a and data made available concerning rates, fees, and charges prior to conducting a public hearing with respect to the adoption of increases in rates, fees, and charges, or the adoption of new rates, fees, and charges for which no other procedure is provided by law; and

WHEREAS, pursuant to California Government Code Section 66016, the City Council has held at least one public hearing and received oral and written presentations thereat with respect to "user fees" prior to the adoption of this Resolution; and

WHEREAS, pursuant to California Government Code Section 66018, the City Council has conducted and concluded a duly noticed public hearing with respect to the rates, fees, and charges prior to the adoption of this Resolution; and

WHEREAS, the City Council desires to establish fees associated with the review of applications for all cannabis businesses authorized by the City of Costa Mesa as set forth herein; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred;

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1: The City Council hereby finds and determines that based upon the data, information, analysis, oral and written documentation presented to the City Council concerning the rates, fees, and charges described in Exhibit "A" attached hereto and by this reference incorporated herein, the rates, fees, and charges set forth in said Exhibit "A" do not exceed the established reasonable cost of providing the service for which the rates, fees, or charges are levied.

Section 2: The rates, fees, and charges set forth in Exhibit "A" as further described below, are hereby adopted and approved as the rates, fees, and charges for the services identified for each such rate, fee, and/or charge:

Exhibit "A"— Cannabis Business Permit and Conditional Use Permit and Related Fees

Section 3: The rates, fees, and charges set forth in Exhibit "A" shall be effective and shall be implemented commencing June 1, 2021, except for the Conditional Use Permit fee, which will take effect on August 1, 2021, which is at least 60 days after Council adoption.

Section 4: Severability. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council of the City of Costa Mesa hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 5: The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED ON June 1, 2021.

John Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:

Brenda Green, City Clerk

Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that foregoing Resolution No. 21-xx was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on June 1, 2021, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa on June x, 2021.

BRENDA GREEN, CITY CLERK

Exhibit A

Cannabis Business Permit and Conditional Use Permit and Related Fees

Description		Proposed Fee
<u>Conditional Use Permit</u>		
1	Conditional Use Permit - Measure X Facility	\$21,529
2	Conditional Use Permit - Measure Q Facility	\$18,499
<u>Marijuana Business Permit - Initial Application</u>		
3	Measure X Facility	\$20,380
4	Measure Q Facility	\$19,732
<u>Marijuana Business Permit - Renewal Application</u>		
5	Measure X Facility	\$16,996
6	Measure Q Facility	\$16,348
<u>Marijuana Business Permit Modification - Major</u>		
7	Measure X Facility	\$3,099
8	Measure Q Facility	\$3,099
<u>Marijuana Business Permit Modification - Minor</u>		
9	Measure X Facility	\$1,300
10	Measure Q Facility	\$1,300
<u>Marijuana Business Permit - Employee Badge</u>		
11	Measure X Facility	\$631
12	Measure Q Facility	\$631